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SUBJECT: MACEDONIA: SUPREME COURT SHOWS BIAS IN
RE-VALIDATING VOTING OF ELEVEN POLLING STATIONS ANNULLED BY
SEC; DPA GAINS MOST

REF: A. SKOPJE 361

[1](#)B. SKOPJE 368

SUMMARY

[1](#)1. (SBU) In a biased decision for which little justification was offered, the Supreme Court overturned the State Electoral Commission's (SEC's) decision to invalidate voting in 11 polling stations cited for fraud and/or violence in the June 1 parliamentary elections. The Court's decision decreases to 187 the number of polling stations that will hold re-runs on June 15. While the decision affects relatively few (less than 10,000) votes, the lack of impartiality is another setback as Macedonia seeks to re-gain ground it lost in the fraud and violence-marred June 1 elections. End Summary.

[1](#)2. (SBU) The Supreme Court ruled late June 12 on all 97 appeals submitted by political parties against the State Electoral Commission's (SEC's) decision to invalidate voting in 197 polling stations from the June 1 early Parliamentary elections. Ahead of the June 15 re-runs, the Supreme Court's decision re-validated the voting in 11 polling stations annulled by the SEC, and invalidated the voting in a single additional polling station, bringing the total number of polling stations for the re-runs to 187. Just under 162,000 voters will have the opportunity to vote in the re-runs, down from approximately 170,000 in the 197 polling stations invalidated by the SEC. Though the Supreme Court's decision did not affect enough votes to ensure a parliamentary seat for any party, ethnic Albanian party DPA gained more than rival DUI: nearly 5000 votes compared to just under 2000 for DUI.

[1](#)3. (SBU) While the SEC was praised by ODIHR for its "satisfactorily robust process" of reviewing political parties' appeals and its generally impartial decisions, the Supreme Court's decisions show a clear bias in favor of DPA. The Court conducted its review in four panels of five judges each. All of the overturned cases were the work of a single panel, which provided little justification for its decisions. Nine of the 11 polling stations had suspiciously high voter turn-outs (all over 75%, some as high as 99%) as compared to the national average of just over 58% for the June 1 elections. One of the re-validated polling stations was cited for having forced out election observers, and another was reported to the SEC by U.S. monitoring teams for serious irregularities in the vote count. The panel released

information on only three of 11 overturned cases, stating it did not see evidence of fraud in its review of the balloting materials.

14. (SBU) Comment: While the number of votes covered in the Court's decision is relatively low and likely to have a limited effect on the overall election results, it nonetheless is disappointing to see clear bias on the part of state institutions as Macedonia seeks to regain ground lost in the fraud and violence-marred elections of June 1. End Comment.

Milovanovic